

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 09-20107

Virgil Smoot, III,

Honorable Sean F. Cox

Defendant.

AMENDED ORDER STRIKING DOCKET ENTRY NO. 18

The Court received a letter from Defendant Virgil Smoot, III, (“Defendant”) on March 26, 2010, which the Court construed as a *pro se* motion (Doc. No. 18).

Because Defendant is currently represented by counsel, David Koelzer, Defendant is attempting to proceed in a “hybrid” fashion, both through his counsel and *pro se* by way of his motion. *See McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). Although the Sixth Amendment guarantees defendants the right to conduct their own defense and even represent themselves, *see Farretta v. California*, 422 U.S. 806 (1975), the right of self-representation does not include the right to proceed in a hybrid manner. *McKaskle*, 465 U.S. at 183; *see also United States v. Mosely*, 810 F.2d 93, 97-98 (6th Cir. 1987). This Court will not allow Defendant to proceed in a hybrid manner in this action will therefore strike Defendant’s *pro se* submission, Docket Entry

No. 18. Defendant should seek relief from this Court through his counsel, David Koelzer.

Accordingly, IT IS ORDERED that Docket Entry No. 18 is hereby STRICKEN.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 1, 2010

I hereby certify that on April 1, 2010, a copy of the foregoing document was served upon counsel of record by electronic means and upon Virgil Smoot via First Class Mail at the address below:

Virgil Smoot # 43578-039
Sanilac County Jail
65 North Elk
Sandusky, MI 48471

S/Jennifer Hernandez

Case Manager